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| EXAMINER |
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LIN, KELVIN Y

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| ART UNIT | PAPER NUMBER |
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2142

| SHORTENED STATUTORY PERIOD OF RESPONSE | MAIL DATE | DELIVERY MODE |
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Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

| | | | |
|------------------------------|-------------------------------|-----------------------------|--|
| Office Action Summary | Application No. 10/010,616 | Applicant(s) EGLI ET AL. | |
| | Examiner Kelvin Lin | Art Unit 2142 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 November 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-39,41-77 and 79-82 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3-39, 41-77, 79-82 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Detailed Action

Reopening of Prosecution After Appeal Brief or Reply Brief

In view of the appeal brief filed on 11/22/06, PROSECUTION IS HEREBY REOPENED. New grounds of rejection are set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

Response to Amended Claims

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1, 3-17, 28-39, 41-62, 64, 66, 69-82 are rejected under 35 USC 103(a) as being unpatentable over Tso et al., (USPAT No. 6185625) in view of Kloba et al., (USPAT No. 6341316).
2. Regarding claim 1, Tso teaches an online system, a method for determining the capabilities of client devices and supplying media content in a format suitable for such devices, the method comprising:
 - receiving a request to provide a target device with a copy of a particular media object (Tso, col.5, l.56-60);
 - determining capabilities of the target device (Tso, col.6, l.27-40);
 - based on the capabilities of the target device, determining a format that is desired for providing the target device with a copy of the media object (Tso, col.6, l.27-32);
 - translating the particular media object into a copy having said determined format (Tso, col.6, l.27-29); and
 - providing the target device with the copy having said determined format (Tso, col.10, l.45-47); and
 - storing the copy having said determined format in a server cache (Tso, col.10, l.45-51).
3. Regarding claim 3, Tso further discloses the method of claim 1, further

comprising: receiving from a target device a subsequent request for the particular object in the determined format; and providing the target device with the copy stored in said server cache (Tso, col.5, l.15-20).

4. Regarding claim 4, Tso further discloses the method of claim 1, further comprising: obtaining a copy of said particular media object from a connected server for translation of said media object (Tso, col.5, l.15-20).
5. Regarding claim 5, Tso further discloses the method of claim 4, further comprising:
 - storing in cache memory a cached copy of said media object received from said connected server (Tso, col.5, l.17-18); and
 - in response to subsequent requests for translation of said media object, using the copy of said media object stored in cache memory (Tso, col.5, l.19-22).
6. Regarding claim 6, Tso further discloses the method of claim 1, wherein the capabilities of the target device include screen resolution (Tso, col.6, l.41).
7. Regarding claim 7, Tso further discloses the method of claim 1, wherein the capabilities of the target device include screen size (Tso, col.6, l.41).
8. Regarding claim 8, Tso further discloses the method of claim 1, wherein the capabilities of the target device include color support (Tso, col.6, l.41).

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9. Regarding claim 9, Tso further discloses the method of claim 1, wherein the capabilities of the target device include bit rate (Tso, col.1, l.35-36).
10. Regarding claim 10, Tso further discloses the method of claim 1, wherein the capabilities of the target device include currently-available communication medium that the target device employs to transmit its request (Tso, col.5, l.56-67).
11. Regarding claim 11, Tso further discloses the method of claim 10, wherein currently-available communication medium comprises wireless communication (Tso, col.5, l.57).
12. Regarding claim 12, Tso further discloses the method of claim 10, wherein currently-available communication medium comprises wireline communication (Tso, col.5, l.60).
13. Regarding claim 13, Tso further discloses the method of claim 1, wherein said step of determining capabilities of the target device includes examining the request submitted by the device (Tso, col.9, l.61-67, col.10, l.11-20).
14. Regarding claim 14, Tso further discloses the method of claim 1,
Wherein said step of determining capabilities of the target device includes
Examining the HTTP header submitted by the device (Tso, col.13, l.25-29).
15. Tso does not specifically disclose the HTTP User-Agent header.
16. However, Regarding claim 15, Kloba further discloses the method of claim 14,
Wherein examining the HTTP header submitted by the device includes examining

The HTTP User-Agent header (Kloba, col. 21, l.49, by the definition of HTTP, it is obvious to implement the user-agent header).

It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to modify Tso's function of merging with Kloba's function of enhanced HTTP features between client and server.

The modification of HTTP feature would have been obvious because on of the ordinary skill in the art would have been motivated to have function per Kloba's teaching in the communication between client and server.

17. Regarding claim 16, Kloba further discloses the method of claim 1, wherein said step of determining capabilities of the target device includes querying the device for its capabilities (Kloba, col.15, l.48-49).
18. Regarding claim 17, Tso further discloses the method of claim 1, wherein said step of determining capabilities of the target device includes determining capabilities from a knowledgebase, based on a device class for the target device (Tso, col.18, l.52-67, retrieve the target device capability from the decode manager).
19. Claims 18-19 are rejected under 35 USC 103(a) as being unpatentable over Tso et al., (USPAT No. 6185625) in view of Kloba et al., (USPAT No. 6341316) and further in view of Taylor (USPAT No. 6785730).
20. Tso and Kloba are not disclosed about the log record for the target device that are not recognized.

21. However, Regarding claim 18, Taylor further discloses the method of claim 17, further comprising: recording a log record of target devices that are not recognized to enable the capabilities of said devices to be added to the knowledgebase (Taylor, col.5, l.63-67, col.6, l.50-58, fig. 4 as a source of knowledgebase).

It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to modify Taylor's function of merging with Tso function of generic protocol translator features between devices and supports the new devices.

The modification of generic protocol translator for new devices feature would have been obvious because one of ordinary skill in the art would have been motivated to have function per Taylor teaching for the new devices.

22. Regarding claim 19, Taylor further discloses the method of claim 18, further comprising: automatically issuing notifications regarding said target devices that are not recognized (Taylor, fig. 2).
23. Regarding claim 21, Kloba further discloses the method of claim 1, wherein said step of determining a format that is desired includes determining an appropriate color space for rendering a particular image at the target device (Kloba col.21, l.19-26).
24. Regarding claim 24, Kloba further discloses the method of claim 1, wherein said step of determining a format that is desired includes determining the appropriate

bit rate for the target device (Kloba, col.11, l.1).

25. Regarding claim 28, Kloba further discloses the method of claim 1, wherein said target device includes a handheld computing device having display capability (Kloba, col.10, l.40-41).
26. Regarding claim 29, Kloba further discloses the method of claim 1, wherein said target device includes a handheld computing device having digital audio capability (Kloba, col.4, l.33, col. l.38, Table 2)
27. Regarding claim 30, Kloba further discloses the method of claim 1, wherein said target device includes a cellular phone device having display capability (Kloba, col.10, l.38).
28. Regarding claim 31, Kloba further discloses the method of claim 1, wherein said target device includes a cellular phone device having digital audio capability (Kloba, col.10, l.40-41).
29. Regarding claim 32, Kloba further discloses the method of claim 1, wherein said target device includes a pager device having display capability (Kloba, col.10, l.38).
30. Regarding claim 33, Kloba further discloses the method of claim 1, wherein said target device includes a personal computer having display capability (Kloba, col. 10, l.40).
31. Regarding claim 34, Kloba further discloses the method of claim 1, wherein said target device includes a personal computer having digital audio capability (Kloba,

col.10, l. 38, l.40-41).

32. Regarding claim 35, Kloba further discloses the method of claim 1, wherein said target device includes WAP (Wireless Application Protocol) support (Kloba, col.28, l.55-57).
33. Regarding claim 36, Kloba further discloses the method of claim 1, wherein said media objects include digital images (Kloba, col.15, l.32-33).
34. Regarding claim 37, Kloba further discloses the method of claim 1, wherein said digital objects include digital video (Kloba, col.4, l.13).
35. Regarding claim 38, Kloba further discloses the method of claim 1, wherein said digital objects include digital audio (Kloba, col.4, l.12).
36. Regarding claims 39, 41-62, 64, 66, 69-76 have similar limitations as claims 1, 3-19, 21, 24, 28-38. Therefore, claims 39-62, 64, 66, 69-76 are rejected for the same reasons set forth in the rejection of claim 1, 3-19, 21, 24, 28-38.
37. Regarding claim 77, Tso further discloses an online system, a method for determining the capabilities of client devices, the method comprising:
 - receiving an original request from a target device in which said target device does not include information regarding its capabilities (Tso, col.6, l.20-25);
 - determining capabilities of the target device by examining the request submitted by the device (Tso, col.13, l.25-30);

- supplementing said original request received from said target device with information about the capabilities of said target device (Tso, col.13, l.30-34) and
 - forwarding said supplemented request to a destination specified in said original request (Tso, col.6, l.13-26)
38. Regarding claim 79, Tso further discloses the method of claim 77, wherein said step of determining capabilities of the target device includes examining the HTTP header submitted by the device (Tso, col.13, l.25-29).
39. Regarding claim 80, Kloba further discloses the method of claim 79, wherein examining the HTTP header submitted by the device includes examining the HTTP User-Agent header (Kloba, col.21, l.49, by the definition of HTTP, it is obvious to implement the user-agent header.)
40. Regarding claim 81, Kloba further discloses the method of claim 77, wherein said step of determining capabilities of the target device includes querying the device for its capabilities (Kloba, col.15, l.48-49).
41. Regarding claim 82, Tso further discloses the method of claim 77, wherein said step of determining capabilities of the target device includes determining capabilities from a knowledgebase, based on a device class for the target device (Tso, col.18, l.52-67).
42. Claims 20, 22-23, 25-27, 63, 65, and 67-68 are rejected under 35 U.S.C 103(a) as being unpatentable over Tso, Kloba, and Taylor in view of Wenocur et al., (U.S. PGPub. No.2003/0041110).

43. Regarding claims 20, 22-23, Tso, Kloba and Taylor differ from the claimed invention in that it does not explicitly indicate the resolution, image size, and rotation of the particular image at the target device. However, Wenocur clearly teaches the device capability determination includes variables of the size, resolution of the object that the recipient's device can handle. (Wenocur, [0068]). Furthermore, Wenocur teaches the rotation of the image in a video frame formats (Wenocur, [0858], [0889], and [0891]). Combine with Wenocur objects resolution, image size, and rotation that will improve the user capability, and also increase the effectiveness.
44. Regarding claims 63, and 65 have similar limitations as claims 20, and 22. Therefore, claims 63, and 65 are rejected for the same reasons set forth in the rejection of claim 20, and 22.
45. Regarding claims 25-27, Tso, Taylor, and Kloba differs from the claimed invention in that it does not explicitly indicate the determination of communication bandwidth for transmitting a copy of the media object to the target device. However, Wenocu clearly teaches the platform information device maintains the network bandwidth information (Wenocur, [0499]). Combine with Wenocur communication bandwidth filtering that will improve the image objects resolution and performance.
46. Regarding claims 67, and 68 have similar limitations as claims 25, and 27. Therefore, claims 67, and 68 are rejected for the same reasons set forth in the rejection of claim 25, and 27.

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47. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Tso, Taylor and Kloba's synchronizing content between a server and a client and Wenocur Optimizing delivery of image objects.

Conclusion

The prior art made of record and not relied upon is considered pertinent to application's disclosure.

- Pezzutti, et al., (Patent No. 6760762).
- Baca et al., (Patent No. 6745235).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kelvin Lin whose telephone number is 571-272-3898.

The examiner can normally be reached on Flexible 4/9/5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on 571-272-3868. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KYL
3/12/07

A handwritten signature in black ink, appearing to read "Andrew Caldwell". The signature is fluid and cursive, with the first and last names being more prominent.

ANDREW CALDWELL
SUPERVISORY PATENT EXAMINER